

AMENDMENTS

Please amend the specification by deleting the entire claim of priority added during the Amendment filed May 14, 2002. Thus, please delete the text starting on page 1 with:

“This application is a continuation in part of U.S. Serial No. 09/357,536 filed July 19, 1999, . . .”

and ending with:

“This application claims priority from U.S. provisional application 60/239,533 filed October 10, 2000, and U.S. provisional application 60/242,681 filed October 20, 2000, now abandoned.

All of the above-named applications are incorporated by reference.”

Accordingly, the claim for priority should now read as follows:

“This application is a Continuation-in-Part of U.S. serial number 09/517,140 filed March 2, 2000, which is a Continuation of U.S. serial number 08/975,774 filed November 21, 1997, which is a Continuation of U.S. Patent Number 5,897,493 issued April 27, 1999, which claims priority from Provisional Application serial number 60/041,746 filed March 28, 1997 and from Provisional Application Serial Number 60/041,751 filed March 28, 1997. All of the above named applications are hereby incorporated by reference.”

COMMENTS/ARGUMENTS

In the Office Communication dated December 30, 2004, the Examiner indicated that the “Applicant failed to present arguments pointing out specific distinctions believed to render the claims, including any newly presented claims, patentable over any of the applied references.”

The Examiner was making this comment in response to Applicant’s Reply filed September 27, 2004, which itself was in response to the Examiner’s Office Action dated March 25, 2004.

In this March 2004 Office Action, the Examiner had rejected the claims under 35 U.S.C. §103 and provisionally under 35 U.S.C. §101 as claiming the same invention as that of co-pending application 10/233,296.

Applicant's response filed to this Office Action cancelled the then existing claims and added new claims 47-104. At the time of canceling and filing new claims, Applicant did not provide any comments as to why these new claims were patentable. Applicant does so now in response to the Examiner's December 30, 2004, Office Action. Specifically:

DOUBLE PATENTING REJECTION

Applicant submits that the double patenting rejection is rendered moot by the cancellation and replacement of the claims in the September 2004 response. The new claims are clearly different from the claims on file in U.S. Application 10/233,296.

Applicant therefore requests that the double-patenting rejection be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

In the March 2004 Office Action, the Examiner rejected claims 1, 3-16, 18-31 and 34-46 as being unpatentable over Fujimoto, Patent No. 5,339,821 in view of Yu, et al, Patent No. 5,930,804. The Examiner rejected remaining claims 2, 17 and 32 as being unpatentable under Fujimoto and Yu as applied to claims 1, 14 and 28 and further in view of Nicholls, et al, patent publication no. 2001/0031071.

More specifically, the Examiner has held that the Fujimoto reference provides "a server system having a script generator for generating script programs."

Although the Applicant does not agree with this Examiner characterization, it is unnecessary for Applicant to address this as the Examiner's use of the Yu and Nichols references is improper.

In particular, the Yu reference has an earliest filing date of June 9, 1997 whilst the earliest priority date of the subject patent application is that of two provisional applications both filed on March 28, 1997, some 2.5 months before the earliest date of the reference.

Similarly, the Nichols' reference is a patent publication based on an earliest filing date of December 29, 2000. This reference, because of its late filing date, is similarly not a proper reference on which to base a rejection.

Accordingly, Applicant submits that any combination relying on Yu and Nicholls is improper and the examiner cannot rely on such combination to reject the claims.


The priority claim of this application 09/665,442 has been on record since its filing date. Applicant therefore submits that it is not introducing new issues with this response.

Having submitted these amendments and comments, Applicant respectfully requests that the claims currently on file should be allowed.

The Examiner is invited to call the undersigned attorney at 650-843-7504, if a telephone call could help resolve any remaining items.

Date: January 28, 2005

Respectfully submitted,


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